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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _BPAI decision 2007-1992, 9/26/2007+_ .
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _108-183_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _108-183_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

The examiner is in receipt of Board of Appeals decision 2007-1992, dated 9/26/2007 remanding the case back to the examiner for further clarification. Therefore, PROSECUTION IS HEREBY REOPENED. A new grounds for rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or'

(b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

The examiner has carefully considered the decision of the Board and has removed the Double Patenting rejection due to the reversal by BPAI. However, the examiner is maintaining his previous rejection with respect to the merits with certain modifications to better clarify the rejection, including new USC 112 rejection. Further, supporting references, related to the features that the Board requested to establish level of skill in the art, are provided under the heading Response to Board of Appeals Remand below.

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 108-125, 151-157 and 176-183 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. The term "does not

need to log into the computer" is not supported in the specification (see decision from

the BPAI #2007-1992, pages 15-18).

Claims 126-139 and 158-167 are rejected under 35 U.S.C. 112, first paragraph,

as failing to comply with the written description requirement. The claim(s) contain

subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. The term "automatically

combines orders" is not supported in the specification (see decision from the BPAI

2007-1992, see pages 15-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 108-117,124,125,140-147,151-157, and 168-183 are rejected under 35

U.S.C. 103(a) as being unpatentable over Joseph et al (5,819,034) in view of Teper

et al (5,815,665) and further in view of Official Notice.

In regards to claim 108, Joseph discloses a method in a client system for

ordering an item, the method comprising:

Joseph teaches receiving information from a server system (col 7, lines 33-37)

and storing information persistently for transmittal to a server system (col 8, lines 52-

60), but does not specifically mention that the information saved in persistent storage

received from the server system is an identifier. Teper teaches providing a unique

identifier to a user for later identifying a user and mapping to a remote site where

personal information of the user is kept (Teper, see summary). It would have been

obvious to a person having ordinary skill in the art to include in Joseph storing an

identifier which authorizes the use of personal information stored on a server as taught

by Teper, because this would free up storage space on the client computer by storing

information and programming on the server while still maintaining control of the data at

the local client computer. This additional storage capacity could be used to increase the

processing efficiency of the other programs that are running on the client.

when an item is to be ordered, displaying information identifying the item

(Joseph, col 8, lines 23-33) and

The combination of Joseph/Teper teaches performing a single action to process

an order by pressing a button and having instructions displayed interactively (Joseph,

col 8, lines 14-67), but does not specifically mention displaying an indication that a single action is to be performed. It was old and well known in the art at the time of the invention to include instructions such as a display of an indication of a button to press to impose an executable action on a web page. The examiner takes Official Notice that it would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the displayed indication of what button to press to activate the order, because this would assure that the correct button was pushed to complete the order, thus reducing the frustration of the user by making the system easier to use.

in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier (see discussion above concerning storage of an identifier and the appendage of client information with the purchase data, (Joseph, col 8, line 52- col 9, line 8) ,

the client identifier identifying account information previously supplied by a user of the client system wherein the user does not need to log in to the server system when ordering the item (Per discussion above the combination of Joseph/Teper teach appending a stored identifier to gain access to personal information to automatically access stored account information thus eliminating the need to input the authorization each time the server is accessed); and

The combination of Joseph/Teper teach accessing a server, registering and providing personalized data which is later accessed (Teper, col 6, lines 4-13), but does not specifically mention that the server system coordinates changes to the stored data. The examiner takes Official Notice that it was old and well known in the art at the time of

the invention to have a remote storage site containing personal information to

authenticate users before information could be changed. It would have been obvious to

a person having ordinary skill in the art at the time of the invention to include the

coordination by the server of changes to stored personal data, because authenticating

the user would assure that only the user that provided the information could change it,

therefore, creating more security of personal information and preventing others from

stealing or manipulating the otherwise secure data.

receiving updated account information (Teper, col 6, lines 4-13); and

sending the updated account information to the server system whereby the user

does not need to log in to the server system when ordering the item, but needs to log in

to the server system when changing previously supplied account information (see

discussion above).

In regards to claim 109, Joseph teaches wherein the account information

includes billing information (Teper col 6, lines 4-13).

In regards to claim 110, Joseph teaches wherein the account information

includes shipping information (Teper col 6, lines 4-13).

In regards to claim 111, Joseph teaches wherein the client system and server

system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 112, Joseph teaches receiving from the server system a confirmation that the order was generated (Joseph, col 8, lines 50 and 51).

In regards to claim 113, the combination of Joseph/Teper teaches inputting information (Joseph, col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 114, The examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 115, The examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 116, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 117, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1 that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a

shopping cart, because users may feel uncomfortable accomplishing the transaction

without having the opportunity to review the transaction before submittal, therefore

including this alternative would increase the usage of the site by offering a shopping cart

model to those who prefer using the conventional technology.

In regards to claim 124 and 125, Joseph teaches a display screen for providing

information interactively with a user, but does not specifically mention that the

information provided is an indication that "You can cancel within 90 minutes"

(applicant's drawing FIG 1A). Since the limitation of <u>indicating</u> does not impart any

functionality this limitation is considered to be non-functional descriptive material (see

MPEP 2106(b)) and is therefore not considered to provide patentable moment. The

examiner further takes Official Notice that it was old and well known in the art to include

general information that was considered informative to the user. It would have been

obvious to a person having ordinary skill in the art to include in Joseph any type

informative information such as "You can always cancel within 90 minutes", because

this information may be used to lead to commands, executable code and/or data for

controlling the viewer interaction (col 2, lines 30-35).

In regards to claim 140, Joseph discloses a method in a client system for

ordering an item, the method comprising:

receiving from a server system a client identifier of the client system;

persistently storing the client identifier at the client system;

displaying information identifying the item and displaying an indication of a single action that is to be performed to order the identified item;

in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier,

the client identifier identifying account information of a user (see response to claim 108); and

Joseph teaches a display screen for providing information interactively with a user, but does not specifically mention that the information provided is an indication that "You can cancel within 90 minutes" (applicants drawings FIG 1A). Since the limitation of indicating does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b)) and is therefore not considered to provide patentable moment. The examiner further takes Official Notice that it was old and well known in the art to include general information that was considered informative to the user. It would have been obvious to a person having ordinary skill in the art to include in Joseph any type informative information such as "You can always cancel within 90 minutes", because this information may be used to lead to commands, executable code and/or data for controlling the viewer interaction (Joseph, col 2, lines 30-35 and col 8, 35-40).

In regards to claim 141, Joseph teaches wherein the time interval is 90 minutes (see response to claim 140).

In regards to claim 142, Joseph teaches wherein the client system and server system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 143, the combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 144, The examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 145, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 146, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 147, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a shopping cart, because users may feel uncomfortable accomplishing the transaction

without having the opportunity to review the transaction before submittal, therefore

including this alternative would increase the usage of the site by offering a shopping cart

model to those who prefer using the conventional technology.

In regards to claim 151, Joseph teaches a client system for ordering an item,

comprising:

a component that receives from a server system a client identifier of the client

system and that stores the client identifier persistently;

a component that orders an item by displaying information identifying the item

along with an indication of a single action that is to be performed to order the identified

item and by sending to the server system a request to order the identified item along

with the client identifier,

the client identifier identifying account information previously supplied by a user

wherein the user does not need to log in to the server system when ordering the item;

and

a component that updates account information by coordinating the log in of the

user to the server system, receiving updated account information from the user, and

sending the updated account information to the server system (see response to claim

108).

In regards to claim 152, Joseph teaches wherein the account information

includes billing information (Teper col 6, lines 4-13).

In regards to claim 153, Joseph teaches wherein the account information includes shipping information (Teper col 6, lines 4-13).

In regards to claim 154, the combination of Joseph/Teper teaches inputting information (Joseph, col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 155, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1 that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that

the use of shopping carts for electronic commerce was old and well known at the time of

the invention. It would have been obvious to a person having ordinary skill in the art to

include in Joseph/Teper the use of an alternative to one click shopping such as a

shopping cart, because users may feel uncomfortable accomplishing the transaction

without having the opportunity to review the transaction before submittal, therefore

including this alternative would increase the usage of the site by offering a shopping cart

model to those who prefer using the conventional technology.

In regards to claim 156, Joseph teaches wherein the server system combines

multiple requests to order items into a single order (see response to claim 151, what is

known as common functionality in a shopping cart model).

In regards to claim 157, Joseph teaches a display screen for providing

information interactively with a user, but does not specifically mention that the

information provided is an indication that "You can cancel within 90 minutes"

(applicant's drawing FIG 1A). Since the limitation of indicating does not impart any

functionality this limitation is considered to be non-functional descriptive material (see

MPEP 2106(b) and is therefore not considered to provide patentable moment. The

examiner further takes Official Notice that it was old and well known in the art to include

general information that was considered informative to the user. It would have been

obvious to a person having ordinary skill in the art to include in Joseph any type

informative information such as "You can always cancel within 90 minutes", because

this information may be used to lead to commands, executable code and/or data for controlling the viewer interaction (Joseph, col 2, lines 30-40).

In regards to claim 168, Joseph discloses a method in a computer system for ordering an item, the method comprising:

providing to a client system a client identifier for the client system,

the client identifier being associated with account information of a user and for persistent storage at the client system;

providing to the client system a display page identifying an item,

the display page including an indication of a single action that is to be performed to order the identified item (see response to claim 108) and

Joseph teaches a display screen for providing information interactively with a user, but does not specifically mention that the information provided is an indication that "You can cancel within 90 minutes" (applicant's Drawing FIG 1A). Since the limitation of indicating does not impart any functionality this limitation is considered to be non-functional descriptive material (see MPEP 2106(b)) and is therefore not considered to provide patentable moment. The examiner further takes Official Notice that it was old and well known in the art to include general information that was considered informative to the user. It would have been obvious to a person having ordinary skill in the art to include in Joseph any type informative information such as "You can always cancel within 90 minutes", because this information may be used to lead to commands,

executable code and/or data for controlling the viewer interaction (Joseph, col 2, lines
30-35);

receiving from the client system an indication that the user performed the single
action along with the client identifier; and

generating an order for the identified item using the account information
associated with the received client identifier (see response to claim 108).

In regards to claim 169, Joseph teaches wherein the time interval is 90 minutes
(see response to claim 168).

In regards to claim 170, Joseph teaches wherein the client system and server
system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 171, the combination of Joseph/Teper teaches inputting
information (Joseph, col 7, lines 10-15), but does not specifically mention that the
inputting of the information is accomplished by clicking a mouse button when a cursor is
positioned over a predefined area of the displayed information. The examiner takes
Official Notice that clicking a mouse button when a cursor is positioned over a
predefined area of the displayed information was old and well known at the time of the
invention. It would have been obvious to a person having ordinary skill in the art to
include in the combination of Joseph/Teper clicking a mouse button when a cursor is
positioned over a predefined area of the displayed information, because this would

provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 172, Joseph teaches wherein the display page includes information identifying the user (Teper, col 6, lines 30-35, user customization information).

In regards to claim 173, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 174, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 175, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1 that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a shopping cart, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 176, Joseph discloses a method in a computer for ordering an item, the method comprising:

providing to a client system a client identifier for the client system,

the client identifier being associated with account information of a user and for persistent storage at the client system;

when an item is to be ordered, providing to the client system a display page identifying an item,

the display page including an indication of a single action that is to be performed to order the identified item;

receiving from the client system an indication that the user performed the single

action along with the client identifier; and

generating an order for the identified item using the account information

associated with the received client identifier wherein the user does not need to log in to

the computer system to order the item; and

when information account is to be changed, coordinating the log in of the user to

the computer system;

receiving from the client system updated account information; and

updating the account information associated with the client identifier of the logged in

user based on the received updated account information (see response to claim

108).

In regards to claim 177, the combination of Joseph and Teper teaches wherein

the account information includes billing information (Teper, col 6, lines 4-13).

In regards to claim 178, the combination of Joseph and Teper teaches wherein

the account information includes shipping information (Teper, col 6, lines 4-13).

In regards to claim 179, the combination of Joseph and Teper teaches wherein

the client system and server system communicate via the Internet (Joseph, FIG 1 and

Teper col 5, lines 17-32).

In regards to claim 180, the combination of Joseph/Teper teaches inputting information (Joseph, col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 181, The examiner takes official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 182, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in

the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 183, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a shopping cart, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

Claims 118-123,126-139,148-150 and 158-167 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joseph et al (5,819,034) in view of Teper et al (5,815,665) in view of Official Notice and further in view of Hafner (5,893,076).

In regards to claims 118-123, 127-131, 148-150 and 159-163 the combination

of Joseph/Teper teaches placing single action orders over an electronic network, but

does not specifically mention that the orders are combined. Hafner teaches a method

and system for consolidating orders from multiple orders (Hafner, col 5, lines 55-60, col

8, lines 20-25, col 8, lines 48-65 and col 10, lines 1-26). It would have been obvious to a

person having ordinary skill in the art at the time of the invention to include in

Joseph/Teper the consolidation capability as taught by Hafner, because this would

facilitate increased optimization by better controlling inventory and shipping costs. The

combination of Joseph/Teper/ Hafner teaches consolidating orders, but does not

specifically mention all the time intervals and availability items of the instant claims.

First, the examiner notes that the applicant's disclosure states that "one skilled in the art

would appreciate that the single action orders can be combined in various ways based

on other factors, such as size of shipment and intermediate-term availability" (page 12,

lines 9-12). It is noted that Joseph/Teper/ Hafner teach selecting products for

consolidating orders based on criteria specified in the order (Hafner col 2, lines 30-40).

In regards to the time and availability of the shipment features of the instant claims,

there is no indication in the specification that limiting the instant invention to only those

stated time and availability requirements provides advantages over the teachings of the

prior art. Therefore, It would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Joseph/Teper/ Hafner to include establishing

time intervals and availability criteria, because this would create specific criteria that

may be used to fulfill a requirement established by the customer's order (see availability

in Hafner).

In regards to claim 126, Joseph discloses a method in a client system for

ordering items, the method comprising:

receiving from a server system a client identifier of the client system; persistently

storing the client identifier at the client system; and

for each of a plurality of items displaying information identifying the item and

displaying an indication of a single action that is to be performed to order the identified

item; and

in response to the single action being performed, sending to the server system a

request to order the identified item and the client identifier, the client identifier identifying

account information of a user wherein the server computer automatically combines

orders into a single order (see response to claim 108).

In regards to claim 132, Joseph teaches wherein the client system and server

system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 133, the combination of Joseph/Teper teaches inputting

information (Joseph, col 7, lines 10-15), but does not specifically mention that the

inputting of the information is accomplished by clicking a mouse button when a cursor is

positioned over a predefined area of the displayed information. The examiner takes

Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 134, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 135, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 136, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

In regards to claim 137, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, page 6, line 26 – page 7, line 1 that selectively including or excluding an alternative would be obvious. The examiner therefore also takes Official Notice that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping such as a shopping cart, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 138 and 139, Joseph teaches a display screen for providing information interactively with a user, but does not specifically mention that the

information provided is an indication that "You can cancel within 90 minutes"

(applicant's drawing FIG 1A). Since the limitation of <u>indicating</u> does not impart any

functionality this limitation is considered to be non-functional descriptive material (see

MPEP 2106(b)) and is therefore not considered to provide patentable moment. The

examiner further takes Official Notice that it was old and well known in the art to include

general information that was considered informative to the user. It would have been

obvious to a person having ordinary skill in the art to include in Joseph any type

informative information such as "You can always cancel within 90 minutes", because

this information may be used to lead to commands, executable code and/or data for

controlling the viewer interaction (Joseph, col 2, lines 30-35).

In regards to claim 158, Joseph discloses a method in a computer system for

ordering items, the method comprising:

providing to a client system a client identifier for the client system,

the client identifier being associated with account information of a user and for

persistent storage at the client system;

for each of one or more items, providing to the client system a display page

identifying an item,

the display page including an indication of a single action that is to be performed

to order the identified item; and

receiving from the client system a request to order the identified item,

the request including the client identifier; and

automatically generating a single order for the identified items of the one or more

received requests for items

wherein the user does not need to specify that the identified items are to

combined into a single order (see response to claim 108 and claim 126).

In regards to claim 164, the combination of Joseph/Teper teaches inputting

information (Joseph, col 7, lines 10-15), but does not specifically mention that the

inputting of the information is accomplished by clicking a mouse button when a cursor is

positioned over a predefined area of the displayed information. The examiner takes

Official Notice that clicking a mouse button when a cursor is positioned over a

predefined area of the displayed information was old and well known at the time of the

invention. It would have been obvious to a person having ordinary skill in the art to

include in the combination of Joseph/Teper clicking a mouse button when a cursor is

positioned over a predefined area of the displayed information, because this would

provide an efficient means for inputting information and provide additional functionality

to make the system more user friendly.

In regards to claim 165, applicant's specification page 6, lines 23-26 purports,

shopping cart technology is an admitted conventional system, the disclosure further

purports, col 6, line 26 – col 7, line 1, that selectively including or excluding an

alternative would be obvious. The examiner aggress with applicant that the use of

shopping carts for electronic commerce was old and well known at the time of the

invention. It would have been obvious to a person having ordinary skill in the art to

include in Joseph/Teper the use of an alternative to one click shopping, because users

may feel uncomfortable accomplishing the transaction without having the opportunity to

review the transaction before submittal, therefore including this alternative would

increase the usage of the site by offering a shopping cart model to those who prefer

using the conventional technology.

In regards to claim 166, Joseph teaches a display screen for providing

information interactively with a user, but does not specifically mention that the

information provided is an indication that "You can cancel within 90 minutes" Applicant's

Drawing FIG 1A). Since the limitation of <u>indicating</u> does not impart any functionality this

limitation is considered to be non-functional descriptive material (see MPEP 2106(b))

and is therefore not considered to provide patentable moment. The examiner further

takes Official Notice that it was old and well known in the art to include general

information that was considered informative to the user. It would have been obvious to a

person having ordinary skill in the art to include in Joseph any type informative

information such as "You can always cancel within 90 minutes", because this

information may be used to lead to commands, executable code and/or data for

controlling the viewer interaction (Joseph, col 2, lines 30-35).

In regards to claim 167, the combination of Joseph/Teper teaches inputting information (Joseph, col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The examiner takes Official Notice that clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

Response to Board of Appeals Remand

The following is in response to the BPAI concerns raised in the remand dated 9/26/2007, which raised questions as to the level of ordinary skill in the art. The examiner has cited art below which shows that it was old and well known in the Webtv/set top box art to not require logging in when purchasing an item, but requiring logging in when information is provided to a remote location. Since it was well known in the same technology as Joseph to not require logging in when making a purchase and requiring login when updating personal information at a remote site, this shows that the

combination of Joseph and Teper was well within the skill of one of ordinary skill in the art.

Issues where the Board of Appeals has requested clarification of the level of ordinary skill in the art.

Question 1) Was it known in the authentication art not to require logging in to a server when the access device is a set top box or Webtv, which is the technology used in Joseph. The examiner contends that it was old and well known (before September 12, 1997, in the technology that supports the use of a TV with web access capability to access the server system without logging in. The examiner states that the recited art below teaches this feature in the same technology as Joseph and therefore all of the elements of the cited references perform the same function when combined as they do in the prior art . Thus such a combination would have yielded predictable results (see Sakraida, 425 US at 282, 189 USPQ at 453. Since the independent claims only unite old elements with no change in there respective functions the claimed subject matter would have been obvious under KSR, 127 S. Ct at 1741, 82 USPQ2d at 1396.

To further clarify the question is the feature "whereby a user does not need to log in to the server when ordering the item" old and well known in the art. The Board posed

the question ..." would one of ordinary skill in the authentication art look to Joseph to

modify an online purchasing method where no login is required and thus arrive at the

claimed invention" and further the client identifier identifying account information

previously supplied by a user of the client system. (Appeal 2007-1992, page 20, lines

18-24). To establish the level of skill in the art, the following art is cited;

(a) Yuen (US 5,812,931) teaches purchasing advertised products using an

interactive television that inputs commands using a TV remote as an input device (col 3,

lines 20-25 and 55-65). Yuen also teaches using a link that does not require log in that

sends a message containing a unique viewer identifier and a viewer selection/buy

command (col 4, lines 1-20).

(b) Daly (US 5,878,141) teaches "During the purchase transaction, the

purchasing system of this invention assumes that a secure communication path exists

between its software components on the centrally located head end server and its

software components on the remotely located STB. To ensure that a secure

communication path exists, the purchasing system employs cryptography techniques to

authenticate the communicating software components. Digital certificates are assigned

to each STB in the system and to the head end server. A digital certificate is a packet of

unique information in digital data form that is used for identification of a party in the

encryption arena. The certificate is issued by an independent and trusted third party,

known as the "certifying authority". Every participant trusts the certifying authority. An

example of a certifying authority in this situation is the cable network operator of the

interactive television system" (col 14, lines 10-26). Therefore there is an authentication

using a server placed digital certificate on a set top box that is verified with a stored

certificate on the server and the user is identified by the stored certificate and does not

need to log on. Further, once the user is identified a purchase can be made using only a

click of a button, since the purchaser need only identify the payment method which

causes the server to access stored information at the server level to complete the

transaction (FIG 5 and FIG 1, Item 26 and 16).

c) Nakano et al (US 5,845,260) teaches a charging method used from a set top

box which accesses an account on a server that stores associated credit card/billing

information using a remote control device (abstract). Nakano further teaches

transferring identification information to a server which accesses stored account

information to conclude the transaction and provided for proper payment; the charge

request requiring no login (col 3, lines 10-20).

Question 2 - is there a level of skill in the webtv / set top box art regarding

having to login to provide personal information for storage in a central location.

(a) Daly teaches registering personal information such as credit cards at a

remote site prior to purchasing using a set top box (col 5, lines 60-67). Daly does not

limit the device used to access the transaction processing unit for pre-registering

personal information into the transaction server and could include a standard PC to

server connection which is used in Teper (col 6, lines 33-55). Therefore, it was well

within the skill of an ordinary artisan that a webtv / set top box ordering system could

include the login required by Teper because an ordinary PC might be used to login and

store sensitive data and since all of the elements of the cited references perform the

same function when combined as they do in the prior art . Thus such a combination

would have yielded predictable results (see Sakraida, 425 US at 282, 189 USPQ at 453.

Since the independent claims only unite old elements with no change in there

respective functions the claimed subject matter would have been obvious under KSR,

127 S. Ct at 1741, 82 USPQ2d at 1396.

(b) Nakano teaches a user accessing a remote server using a remote control.

The set top box sends a user id that is recognized at the server and associated with a

server stored credit card (col 4, lines 8-34). Nakano teaches wherein an account owner

(parent) accesses a server such as a credit card company to set up an imaginary

account for a child. The account containing credit card information that is mapped to a

unique identifier stored at the set top box or the user (child access)(col 6, lines 10-65).

Nakano is silent on how the user accesses the credit card server, but since the

operation is not dependent on the ordering method, alternative means to access the

server and open an account at a credit card server would be well within the skill of an

ordinary artisan. Therefore, it is obvious that a webtv / set top box ordering system

could include the login required by Teper through an ordinary PC server/Internet

connection since the functions are independent from the other and since all of the

elements of the cited references perform the same function when combined as they do

in the prior art . Thus such a combination would have yielded predictable results (see

Sakraida, 425 US at 282, 189 USPQ at 453. Since the independent claims only unite

old elements with no change in there respective functions the claimed subject matter

would have been obvious under KSR, 127 S. Ct at 1741, 82 USPQ2d at 1396.

Demers et al (US 6,021,399) teaches conducting transaction by only providing an

identifier, the identifier being used to access server stored credit card numbers to make

payment (col 9, lines 45-67). Demers further teaches that this system can be used in a

set top box (col 4, lines 1-5).

Schein et al teaches validating a previous identification to purchase a product

using a PCTV. The order is completed without entering payment information (col 24,

lines 45-67). Schein is silent on how the user accesses the credit card server, but since

the operation is not dependent on the ordering method, alternative means to access the

server and open/update an account at a credit card server would be well within the skill

of an ordinary artisan. Therefore, it is obvious that the PCTV ordering system could

include the login required by Teper through an ordinary PC through the internet to a

server containing the login information, since the TV includes a PC hooked to the

Internet and since all of the elements of the cited references perform the same function

when combined as they do in the prior art . Thus such a combination would have

yielded predictable results (see Sakraida, 425 US at 282, 189 USPQ at 453. Since the

independent claims only unite old elements with no change in there respective functions

the claimed subject matter would have been obvious under KSR, 127 S. Ct at 1741, 82

USPQ2d at 1396.

Question 3 – Was it old and well known in the art at the time of the invention to log in to a remote database to update stored profiles.

Bull (US 5,995,943) teaches logging in to a system and updating profile information in a data store (col 8, lines 58-67).

It is noted that all of the elements of the cited references perform the same function when combined as they do in the prior art . Thus such a combination would have yielded predictable results (see Sakraida, 425 US at 282, 189 USPQ at 453. Since the independent claims only unite old elements with no change in there respective functions the claimed subject matter would have been obvious under KSR, 127 S. Ct at 1741, 82 USPQ2d at 1396.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300   [Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpubli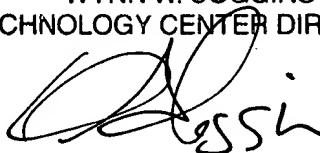shed applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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